

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

§  
SHELLY D. PARHAM, Individually, and §  
VICTOR HINES, III, as Independent §  
Administrator of, and on behalf of, the §  
Estate of Marcus Johnson, §  
§  
Plaintiffs, §  
§  
v. §  
§ Civil Action No. 7:17-CV-00036-M-BP  
§  
CITY OF BURKBURNETT, TEXAS, §  
and DANIEL C. ELBAUM, §  
§  
Defendants. §  
§

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing the Findings, Conclusions, and Recommendation of the United States Magistrate Judge for plain error, I am of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

Accordingly, Defendant Elbaum's Motion to Dismiss (ECF No. 16) is **DENIED**.

**SIGNED** this 26th day of June, 2017.



BARBARA M. G. LYNN  
CHIEF JUDGE